

## § 821.7

## 49 CFR Ch. VIII (10–1–01 Edition)

the law judge or the Board, upon substitution of a copy therefor.

(d) Any party to a proceeding who is represented by an attorney or party representative shall notify the Board of the name and address of that attorney or representative. In the event of a change in attorney or representative of record, a party shall notify the Board, in the manner provided in § 821.7(a), and the other parties to the proceeding, prior to the attorney or representative participating in any way, including the filing of documents, in any proceeding.

[40 FR 30243, July 17, 1975, as amended at 49 FR 28249, July 11, 1984; 59 FR 59046, Nov. 15, 1994]

### § 821.7 Filing of documents with the Board.

(a) *Filing address, date and method of filing.* Generally, documents are to be filed with the Office of Administrative Law Judges, National Transportation Safety Board, 490 L'Enfant Plaza East, S.W., Washington, DC 20594-2000, and addressed to the assigned law judge, if any. Subsequent to the filing of a notice of appeal from a law judge's initial decision or order terminating the proceeding (written or oral), or a decision permitting an interlocutory appeal, all documents should be directed to the Office of General Counsel, also at the above address. Filing of any document shall be by personal delivery, by U.S. Postal Service first class mail, or by overnight mail delivery service. Except as provided in § 821.57, facsimile filing is permitted as a convenience to the parties only. It does not substitute for filing requirements in this part, and any fax transmission to the Board must be followed, no later than the following business day, by a confirmation copy, clearly marked as such, sent by a method of service authorized in this paragraph. Unless otherwise shown to be inaccurate, documents shall be deemed filed on the date of personal delivery, on the send date shown on the facsimile (provided a confirmation copy is properly served), and, for mail delivery service, on the mailing date shown on the certificate of service, on the date shown on the postmark if there is no certificate of service, or on the mailing date shown by other evi-

dence if there is no certificate of service and no postmark.

(b) *Number of copies.* An executed original and 3 copies of each document shall be filed with the Board. Copies need not be signed, but the name of the person signing the original shall be shown.

(c) *Form.* Petitions for review or appeals to the Board and appeals from initial decisions may be in the form of a letter to the Board signed by the petitioner or the party appealing and shall be typewritten or in legible handwriting.

(d) *Contents.* Each document shall contain a concise and complete statement of the facts relied upon and the relief sought.

(e) *Subscription.* The original of every document filed shall be signed by the person filing it or his or her duly authorized representative.

(f) *Designation of person to receive service.* The initial document filed shall state on the first page the name and post office address of the person or persons who may be served with documents in the proceeding.

(g) *Motions, requests, and documents.* All motions, requests, and documents in connection with petitions for review and appeals to the Board shall be filed with the chief law judge, until such time as he or she assigns a law judge to preside over the proceeding.

[40 FR 30243, July 17, 1975, as amended at 49 FR 28249, July 11, 1984; 56 FR 56172, Nov. 1, 1991; 59 FR 59046, Nov. 15, 1994]

### § 821.8 Service of documents.

(a) *Who must be served.* (1) Copies of all documents filed with the Board must be served on all parties to the proceeding by the person filing them. A certificate of service shall accompany all documents when they are tendered for filing and shall certify concurrent service on the Board and the parties. Certificates of service shall be in substantially the following form:

I hereby certify that I have this day served the foregoing document(s) on the following parties' counsel or designated representatives [or on the party, if without counsel or representative] at the address indicated by [specify the method of service: first class mail, personal service, etc.] [indicate names and addresses here]

## National Transportation Safety Board

## § 821.10

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signature) \_\_\_\_\_

For (on behalf of) \_\_\_\_\_”

(2) Service shall be made on the person designated in accordance with §821.7(f) to receive service. If no such person has been designated, service shall be made on the party.

(b) *Method of service.* Except as set forth in paragraph (c) and (d) of this section and as required by §821.57(b), the method of service is the same as that set forth in §821.7(a) for filing of documents. The Board will serve orders, notices of hearing, and written initial decisions on attorneys or representatives designated under §821.7(f) or, if no attorney or representative, on the party itself, and will do so by certified mail, except that service on the Administrator will be by first-class mail.

(c) *Where service shall be made.* Except for personal service, addresses for service of documents shall be those in the official record or, if none in the case of the Federal Aviation Administration, the Office of the Chief Counsel, Washington, DC 20591. In the case of an agent designated by an air carrier under 49 U.S.C. 46103(a), service of any sort may be accomplished only at the agent's office or usual place of residence.

(d) *Presumption of service.* There shall be a presumption of lawful service:

(1) When acknowledgement of receipt is by a person who customarily or in the ordinary course of business receives mail at the residence or principal place of business of the party or of the person designated under §821.7(f); or

(2) When a properly addressed envelope, sent to the most current address in the official record by regular, registered, or certified mail, has been returned as undelivered, unclaimed, or refused.

(e) *Date of service.* The date of service shall be determined in the same manner as the filing date is determined under §821.7(a).

[59 FR 59047, Nov. 15, 1994, as amended at 65 FR 42639, July 11, 2000]

### § 821.9 Intervention and amicus appearance.

(a) *Intervention.* Any person may move for leave to intervene in a proceeding and may become a party thereto, if it is found that such person may be bound by any order to be entered in the proceeding, or that such person has a property, financial, or other legitimate interest that will not be adequately represented by existing parties, and that such intervention will not unduly broaden the issues or delay the proceedings. Except for good cause shown, no motion for leave to intervene will be entertained if filed less than 10 days prior to hearing. The extent to which an intervenor may participate in the proceedings is within the law judge's discretion, and depends on the above criteria.

(b) *Amicus curiae briefs.* A brief of *amicus curiae* in matters on appeal from initial decisions may be filed if accompanied by written consent of all the parties, or if, in the opinion of the Board's General Counsel, the brief will not unduly broaden the matters at issue or unduly prejudice any party to the litigation. A brief may be conditionally filed with motion for leave. The motion shall identify the interest of the movant and shall state the reasons why a brief of *amicus curiae* is desirable. Such brief and motion shall be filed within the time allowed the party whose position as to affirmance or reversal the brief would support, unless cause for late filing is shown, in which event the General Counsel may provide an opportunity for response as a condition of acceptance.

[59 FR 59047, Nov. 15, 1994]

### § 821.10 Computation of time.

In computing any period of time prescribed or allowed by this part, by notice or order of the Board or a law judge, or by any applicable statute, the date of the act, event, or default after which the designated period of time begins to run is not to be included in the computation. The last day of the period so computed is to be included unless it is a Saturday, Sunday, or legal holiday for the Board, in which event the period runs until the end of the next day which is neither a Saturday,